

REMARKS

In the outstanding Office Action, the Examiner objected to the drawings and rejected various claims as being indefinite. In response, Applicants note that the hinge pin 110 is the same element as the tie rod 110 (see specification at 8, lines 9-17, Fig. 2). Accordingly, reference number 110 is being used to designate the same component, which is identified as both a tie rod and a hinge pin. Accordingly, no amendments have been made to the drawings and Applicants request that the Examiner's objections be withdrawn. In addition, Applicants have amended the preambles of the claims and made other amendments to provide antecedent basis for various terms and thereby overcome the Examiner's indefiniteness rejections. None of these amendments narrowed the scope of the respective claims.

Applicants gratefully acknowledge the Examiner's statement that claims 27 -29 would be allowed if rewritten in independent form. In response, Applicants have rewritten claim 27 (see claim 23) in independent form.

The Examiner has rejected claims 1-14 as being anticipated or made obvious over various references. Applicants respectfully submit that independent claims 1 and 10, as amended, are patentable over the cited references. Support for the amendments to claims 1 and 10 are found throughout the specification and drawings and no new matter has been added.

Claim 1, as amended, recites that a second horizontal shelf member comprises a threaded insert, and that "at least one first tie member threadably engages said threaded insert from a first side of said threaded insert," with a first vertical panel clamped between the second horizontal shelf member and a first shelf member. Claim 1 further recites that "at least one second tie member . . . threadably engages said threaded insert from a second side of said threaded insert," with a second vertical panel clamped between the second shelf member and a third shelf member. Claim 1 as amended is similar to previously pending claim 8, which has been cancelled. Claim 8 was rejected as being obvious over Dutmers.

In contrast to claim 1, Dutmers teaches that the shelf member 4, which is positioned at the top of the lower and upper units, does not have an insert that is engageable from opposite sides thereof (see Fig. 3 and Col. 2, line 71). Indeed, Dutmers expressly states that "the upper surface of the top member 4 must be *smooth* for the sake of appearance, and therefore the rods 10 cannot project through top member (Col. 2, line 71 to Col. 3, line 1) (emphasis added). Moreover, "the socket 8 is permanently secured in each of a plurality of recesses 9 which extend

partially through the top member, as indicated in Fig. 3 (Col. 2, lines 33-35) (emphasis added). Accordingly, Dutmers teaches against an insert member engaged from opposite sides of a shelf member and there is no suggestion to modify Dutmers in the manner suggested by the Examiner with respect to claim 8.

Applicants note that Tisbo and Pauer were not cited against claim 8, and further that neither Tisbo nor Pauer disclose or suggest first, second and third horizontal shelf members connected with first and second tie members.

Claim 10 as now amended recites that "each of said shelf members has an opening extending therethrough and comprises a threaded insert disposed in said opening, wherein said threaded insert comprises a threaded bore extending therethrough and open to both sides of said at least one shelf member, wherein said insert is capable of being threadably engaged from opposite ends thereof." In this way, claim 10 is similar to previously pending claim 12, which was rejected as being anticipated by Dutmers or Pauer. As just explained, however, the top shelf member 4 of Dutmers does not have this feature. Moreover, the other shelf member 11 of Dutmers (forming the bottom of each of the top and bottom units) has an opening therethrough, but there is not insert provided therein. Rather, the socket 15 is embedded in the stub leg 14, which bears against an outer surface of the shelf member (see Fig. 8). Accordingly, Dutmers fails to disclose or suggest the recitations of claim 10.

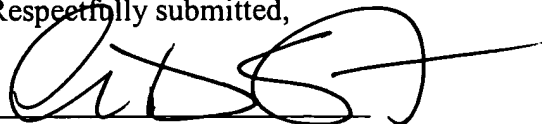
In addition, Pauer fails to disclose three shelf members, let alone three shelf members having an insert member as claimed. Finally, Applicant notes that Tisbo fails to disclose or suggest an insert disposed in a shelf member that is capable of being threadably engaged from opposite ends thereof. Accordingly, claim 10 also is patentable and notice to that effect is earnestly solicited.

Applicants submit that in view of the foregoing amendments and remarks, all of the pending claims are now in condition for allowance, and notice to that effect is earnestly solicited. No fees are due in connection with this Amendment. Any questions about this Amendment should be directed to the undersigned attorney at (312) 321-4713.

S/N 09/975,245

Dated: October 30, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Stover', written over a horizontal line.

Andrew D. Stover
Registration No. 38,629
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200